

REMARKS

Claims 1-45 are presently pending. Of these, Claims 46-52 are withdrawn from consideration. Support for amendment to Claim 1 is found in the Specification as filed, for example at paragraph [0043]. Claims 5, 8, 11, 13, 23, 40, 50 and 52 are amended to correct minor typographical errors, to be consistent with U.S. spelling convention, and to use proper Markush language. Claims 13 and 15 are amended to remove the second sentence in each claim. Claim 15 is also amended to recite thiodigalactoside as a carbohydrate or carbohydrate-containing molecule. Support for this amendment is found in original Claim 11. The following addresses the substance of the Restriction requirement.

Restriction Requirement

Restriction was required under 35 U.S.C. § 121 and 372 from the following groups of Claims:

- Group I: Claims 1-45, drawn to a composition comprising a lectin interactive agent and an immune modulating agent, an antigen binding molecule and an immune modulating cell that modulates an immune response to the target antigen.
- Group II: Claims 46-52, drawn to methods for modulating an immune response.
- Group III: Claims 53-54, drawn to use of lectin-interactive agents.
- Group IV: Claims 55-61, drawn to methods of identifying a lectin-interactive agent.
- Group V: Claims 62-64, drawn to methods of assaying the activity of a lectin-interactive agent.

Response to Restriction Requirement

Applicants elect Group I, encompassing Claims 1-45.

Election of Species Requirement

Applicants were required to elect a single species from among the following three groups of species:

1. Lectin: calnexin, M-type lectin, L-lectin, P-lectin, C-lectin, galactoside-binding lectin, I-type lectin, R-lectin, galectin, galectin-1, galectin-3 and galectin-9.

2. Lectin-interactive agent: monosaccharides, disaccharides, larger saccharides, synthetic carbohydrates, glycopeptides, N-acetyllactosamine derivatives, modified polysaccharides, starburst dendrimers and glycopolymers.

3. Carbohydrate or carbohydrate-containing molecule: a specific carbohydrate set forth in Claim 13 or 15.

Election of Species

With regard to Lectin, Applicants elect C-lectin. Claims 1-45 read on this species. Applicants note that galectin-1 is a C-lectin.

With regard to Lectin-interactive agent, Applicants elect disaccharides. Given election of disaccharides, Applicants were further required to select a specific disaccharide from Claim 9. Applicants elect thiodigalactopyranoside (thiodigalactoside). Claims 1-9, 11 and 13-45 read on this species.

With regard to carbohydrate or carbohydrate-containing molecule, Applicants elect thiodigalactoside. Claims 1-9, 11 and 13-45 read on this species.

Applicants understand that, upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species, which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

Request for Rejoinder

Upon allowance of Group I claims, Applicants respectfully request rejoinder of withdrawn Claims 46-52, which have been amended to be ultimately dependent on the elected Group I claims, and include all of the limitations of Claim 1.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this

Application No.: 10/575,813
Filing Date: January 3, 2007

application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 29, 2009

By: 

Raymond D. Smith
Registration No. 55,634
Agent of Record
Customer No. 20995
(949) 760-0404

7548579
072809